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Attorneys for Professional Association of Dive Instructors ("PADI")

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

CHRISTOPHER JOSEPH TUVELL, SHERRY
LYNN TUVELL, individually and as the heirs of
David Christopher Tuvell, and THE ESTATE OF
DAVID CHRISTOPHER TUVELL,

Plaintiffs,

vs.

BOY SCOUTS OF AMERICA,
PROFESSIONAL ASSOCIATION OF DIVE
INSTRUCTORS ("PADI"), BLUE WATER
SCUBA, LOWELL HUBER, CORBETT
DOUGLAS, BEAR LAKE BOY SCOUT
AQUATIC CAMP,

Defendants.

**DEFENDANT PROFESSIONAL
ASSOCIATION OF DIVE INSTRUCTORS'
MOTION TO DISMISS PLAINTIFFS'
SECOND, FOURTH, FIFTH, SIXTH,
SEVENTH AND EIGHTH CLAIMS FOR
RELIEF**

Case No.: 1:12-cv-00128

Judge Dee Benson

Defendant Professional Association of Dive Instructors (“PADI”) moves the Court to dismiss Plaintiffs’ Second, Fourth, Fifth, Sixth, Seventh, and Eighth claims for relief contained in Plaintiffs’ Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Because the Discover Scuba Diving program offered by PADI is not a “product” within the meaning of Utah products liability law, and because Plaintiffs allege no facts supporting a claim for punitive damages, the above causes of action fail to state a claim upon which relief can be granted. This Motion is accompanied by a supporting memorandum.

DATED this 23rd day of October, 2012.

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/s/ Roger H. Bullock
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